

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|--------------|------------------------------|------------------|----------------|
| Applicant(s) | Robert N. Cossins et al. | Examiner | Casca, Fred A. |
| Serial No. | 10/004,346 | Group Art No. | 2617 |
| Filed | November 1, 2001 | Confirmation No. | 3708 |
| For | Geographic Management System | | |

April 23, 2008

Mail Stop Petition
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION
UNDER 37 CFR § 1.181(a) AND MPEP 711.03(c)(I)(A)**

Upon performing a status inquiry on March 13, 2008, for the present patent Application, Applicants' attorney discovered that the USPTO PAIR indicated a Notice of Allowance had been mailed for the present Application on November 28, 2007. The Notice of Allowance was not received by Applicants' attorney. While confirming the facts surrounding the non-received Notice of Allowance, Applicants' attorney received a Notice of Abandonment dated March 24, 2008, specifying the application abandoned for failure to timely pay the required issue fee and publication fee. The Notice of Abandonment specified that a petition to revive or request to withdraw holding of abandonment under 37 CFR 1.181 should be filed. Between the time the March 24, 2008, Notice of Abandonment was received and the date of this filing, Applicants' attorney confirmed the facts surrounding the non-received Notice of Allowance and prepared this Petition.

MPEP 711.03(c)(I)

MPEP 711.03(c)(I) states that where an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 CFR 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action, and such petition does not require a fee.

MPEP 711.03(c)(I)(A)

MPEP 711.03(c)(I)(A) states that an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately

supported, the Office may grant the petition to withdraw the holding of abandonment and re-mail the Office action. That is, the reasoning of *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971) is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133). The showing required by a practitioner is described in MPEP 711.03(c)(I)(A).

Statement of Facts

1. All incoming mail from the U.S. Patent and Trademark Office (USPTO) is received, opened, and logged by a docketing paralegal in the law firm's IP docketing department. USPTO mail is not opened by an attorney, agent, administrative assistant, or anyone other than the docketing paralegal.

2. The mail log includes copying all USPTO mail received each day and scanning all USPTO mail received each week into a PDF document. Each PDF document for USPTO mail received for each week is saved in a central electronic law firm repository.

3. After opening and logging the USPTO mail, the docketing paralegal promptly enters all Office actions, Notices of Allowance, and all other dates for all other documents into a central intellectual property (IP) docketing system. The law firm uses the Master Data Center IP Master docketing system.

4. After entering the dates for Office actions, Notices of Allowance, and all other documents into the central IP docketing system, the docketing paralegal provides the Office action, Notice of Allowance, or other document to the attorney.

5. The docketing paralegal reviewed the mail log and confirmed that the Notice of Allowance for the present Application was not received.

6. An administrative assistant in the IP department of the firm independently reviewed the mail log and confirmed that the Notice of Allowance for the present Application was not received.

7. The mail log confirms that the Notice of Allowance for this Application was not received by Applicants' attorney or the law firm in general.

8. MPEP 711.03(c)(I)(A) indicates that a copy of the practitioner's record(s) is required to show non-receipt of the Office action. If a master docket for the firm does not exist, the practitioner should provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

9. The individual docket record for the Application in question is provided herewith (Exhibit A) as documentary proof of non-receipt of the Notice of Allowance as provided by MPEP 711.03(c)(I)(A). The docket record is a print from the central IP docketing system.

10. The docket record shows where previously received Office actions were entered into the central IP docketing system. The docket record shows that the Notice of Abandonment for the present Application was received and entered into the central IP docketing system. The docket record shows the location where the docket entries for the Notice of Allowance, response to the Notice of Allowance, and payment of the Issue Fee and Publication Fee otherwise would have been entered had the Notice of Allowance been received. That is, the docket record shows all replies and other actions docketed for the Application, including a date three months from the mail date of the non-received Office action (Notice of Allowance). A master docket for the entire firm does not exist. Each attorney for the firm is presented with a three month docket report for the attorney's matters. Applicants' attorney has reviewed his docket report(s) covering the response date for the Notice of Allowance, and the response and response date for the Notice of Allowance is not present on any docket report. Those docket reports contain privileged and/or confidential information for other clients, which is/are not relevant to the present matter, and which is/are not presented herewith.

11. The docket record shows that the Notice of Allowance for the present Application was not received. The docket record shows where the non-received Notice of Allowance would have been entered had it been received.

12. Applicants' attorney searched the application file and application contents and did not locate the non-received Notice of Allowance. Applicants' attorney did not receive the non-received Notice of Allowance from the USPTO or anyone else.

13. Applicants' attorney believes the evidence provided herein complies with the requirements of MPEP 711.03(c)(I)(A). As shown by the evidence described above, the Notice of Allowance was not received at the correspondence address of record, and a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Notice of Allowance was not received.

14. Filed herewith are the Issue Fee and Publication Fee. Also filed is a completed Issue Fee Transmittal, which was printed from the USPTO PAIR.

15. Applicants' attorney, therefore, requests that this Petition to Withdraw Holding of Abandonment Based on Failure to Receive an Office Action Under 37 CFR § 1.181(a) and

MPEP 711.03(c)(I)(A) be granted. If this Petition or any papers filed herewith require a fee, Applicants attorney hereby authorizes the Director to withdraw any required fee from USPTO Deposit Account 50-1662.

IN THE ALTERNATIVE, PETITION TO REVIVE UNDER 37 CFR 1.137

In the alternative, if Applicants' Petition to Withdraw Holding of Abandonment Based on Failure to Receive an Office Action Under 37 CFR § 1.181(a) and MPEP 711.03(c)(I)(A) is not granted, Applicants request that a Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) be granted.

16. Applicants incorporate by reference paragraphs 1-14 above as though fully set forth herein.

17. A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

18. This Application was filed after June 8, 1995.

19. Payment of the petition fee, issue fee, and publication fee is authorized herein.

20. Applicant claims small entity status.

21. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

[NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

Applicants did not include a fee information sheet for this Petition to Revive because Applicants believe the Petition to Withdraw Holding of Abandonment is grantable (which we believe does not require a fee under MPEP 711.03(c)(I)(A)) and a fee for the Alternative Petition to Revive, therefore, is not required. However,

- (i) if the Petition under 37 CFR § 1.181(a) and MPEP 711.03(c)(I)(A) requires a fee, or
- (ii) if the Petition under 37 CFR § 1.181(a) and MPEP 711.03(c)(I)(A) is not granted and the Petition to Revive requires a fee, or

(iii) if a fee for the Petition to Revive otherwise is required, or

(iv) if any fee is otherwise required,

Applicants hereby authorize the Director to withdraw any required fee from USPTO Deposit Account 50-1662.

This is intended to be a complete response to the non-received Notice of Allowance dated November 28, 2007.

Respectfully Submitted,

Polsinelli Shalton Flanigan Suelthaus PC

/James M. Stipek/

James M. Stipek, Reg. No 39,388

700 W. 47th Street, Suite 1000

Kansas City, MO 64112

Tel: (816) 360-4191/Fax: (816) 753-1536

Attorney for Applicant(s)



Patent: 050099-108402, United States, Regular, National,
Continuation-In-Part

Patent Data

| | | | |
|--------------------|----------------------|---------------------|-----------------------------------|
| Docket Number | 050099-108402 | Attorney | JMSTI |
| Country | United States | Agent | |
| Case Type | Regular | Client/Division | Celeritasworks, LLC |
| Relation Type | Continuation-In-Part | Current Owner | Celeritasworks, LLC |
| Filing Type | National | Previous Owner | |
| Filing Number | | Text #10 | |
| Status | Filed | First Filing Date | 12/22/1999 |
| Sub Status | | Sub Status Date | |
| Parent Country | United States | Parent Filing Date | |
| Parent Number | 09/470,553 | Parent Grant Date | |
| Application Number | 10/004,346 | Application Date | 11/1/2001 |
| Patent Number | | Grant Date | |
| Publication Number | | Publication Date | |
| Assigned | Assignment Recorded | Ind. Claims/Designs | 6 |
| Convention Type | | Total Claims | 49 |
| Custom Code #1 | | TotalClasses | |
| TaxAgent | | ConfirmationNumber | 3708 |
| Operating Group | | Tax Base Date | |
| Custom Party #1 | | Next Tax Date | |
| Custom Party #2 | | Expiration Date | |
| Custom Party #3 | | Custom Text #1 | |
| Custom Party #4 | | Custom Date #1 | |
| Custom Party #5 | | Custom Text #2 | |
| Custom Party #6 | | Custom Date #2 | |
| Custom Party #7 | | Custom Text #3 | |
| Custom Party #8 | | Custom Date #3 | |
| Agent Ref No | | Custom Text #4 | |
| Custom Code #2 | | Custom Date #4 | |
| Custom Code #3 | | Text #5 | |
| Custom Code #4 | | Text #6 | |
| Custom Code #5 | | Text #7 | |
| Custom Code #6 | | Text #8 | |
| Custom Code #7 | | Text #9 | |
| Customer Code | | Customer Name | Polsinelli, Shalton & Welte, P.C. |

Title

GEOGRAPHIC MANAGEMENT SYSTEM

Description

This application is a continuation in part of application serial no. 09/470,553 filed 12-22-1999 now patent no. 6,343,290 issued 01-29-2002.

Current Expense Information

Other Case-Related Information

Actions

| Action | Action Due Date | Taken Date | Deadline Date | Completed Date | Responsible Atty #1 | Responsible Atty #2 | Notes |
|----------------------------------|-----------------|------------|---------------|----------------|---------------------|---------------------|----------------------------|
| 1st Office Action Mail Date | | | | 9/25/2006 | JMSTI | | |
| Power of Attorney | | | | 10/3/2006 | JMSTI | | Accepted by PTO 10/27/2006 |
| Change of Correspondence Address | | | | 10/3/2006 | JMSTI | | Accepted by PTO 10/27/2006 |

EXHIBIT A

| | | | |
|--------------------------------------|------------|-----------|-------|
| Final Rejection Mail Date | 6/21/2007 | JMSTI | |
| Supplemental IDS Filed | 8/21/2007 | JMSTI | |
| Terminal Disclaimer | 8/21/2007 | JMSTI | |
| Request for continued examination | 8/21/2007 | JMSTI | |
| Notice of abandonment | 3/24/2008 | JMSTI | |
| Response to 1st office action | 12/25/2006 | 1/24/2007 | JMSTI |
| Response first OA - 1st extens | 1/25/2007 | 1/24/2007 | JMSTI |
| Response first OA - second extension | 2/25/2007 | 1/24/2007 | JMSTI |
| Response 1st OA - final deadline | 3/25/2007 | 1/24/2007 | JMSTI |
| Status Inquiry | 7/24/2007 | 6/21/2007 | JMSTI |
| Response to provoke advisory action | 8/21/2007 | 8/21/2007 | JMSTI |
| Final rejection due | 9/21/2007 | 8/21/2007 | JMSTI |
| Notice of Appeal Due | 9/21/2007 | 8/21/2007 | JMSTI |
| Final rejection - 1st extension | 10/21/2007 | 8/21/2007 | JMSTI |
| Notice of Appeal - 1st extension | 10/21/2007 | 8/21/2007 | JMSTI |
| Final rejection - 2nd extensio | 11/21/2007 | 8/21/2007 | JMSTI |
| Notice of Appeal - 2nd extension | 11/21/2007 | 8/21/2007 | JMSTI |
| Final rejection deadline | 12/21/2007 | 8/21/2007 | JMSTI |
| Notice of Appeal - Final Deadline | 12/21/2007 | 8/21/2007 | JMSTI |
| Status Inquiry | 3/13/2008 | 3/13/2008 | JMSTI |

Inventors

| Inventor Name | Assignment Date | Custom Text #2 | Inventor | Inventor Date #2 | Inventor 1 | Inventor 2 | Real Number 1 | Real Number 2 |
|-------------------|-----------------|----------------|----------|------------------|------------|------------|---------------|---------------|
| Robert N. Cossins | 1/24/2002 | | | | | | | |
| Scott A. Evans | 1/24/2002 | | | | | | | |

Other Numbers

| Other Number Code | Other Number1 | Other Number Date |
|----------------------------------|---------------|-------------------|
| Assignment Reel and Frame Number | 012553/0509 | 1/29/2002 |
| Assignment Reel and Frame Number | 014402/0743 | 2/27/2004 |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant(s) | Robert N. Cossins et al. | Examiner | Casca, Fred A. |
| Serial No. | 10/004,346 | Group Art No. | 2617 |
| Filed | November 1, 2001 | Confirmation No. | 3708 |
| For | Geographic Management System | | |

April 23, 2008

Mail Stop Petition
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**DECLARATION OF JAMES M. STIPEK IN SUPPORT OF
PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION
UNDER 37 CFR § 1.181(a) AND MPEP 711.03(c)(I)(A)**

I, James M. Stipek, state as follows.

1. I am an attorney in the intellectual property (IP) department of Polsinelli Shalton Flanigan Suchthaus PC. I am Applicants' attorney, and I am responsible for prosecuting the present Application.
2. All incoming mail from the U.S. Patent and Trademark Office (USPTO) is received, opened, and logged by a docketing paralegal in the law firm's IP docketing department. USPTO mail is not opened by an attorney, agent, administrative assistant, or anyone other than the docketing paralegal.
3. The mail log includes copying all USPTO mail received each day and scanning all USPTO mail received each week into a PDF document. Each PDF document for USPTO mail received for each week is saved in a central electronic law firm repository.
4. After opening and logging the USPTO mail, the docketing paralegal promptly enters all Office actions, Notices of Allowance, and all other dates for all other documents into a central intellectual property (IP) docketing system. The law firm uses the Master Data Center IP Master docketing system.
5. After entering the dates for Office actions, Notices of Allowance, and all other documents into the central IP docketing system, the docketing paralegal provides the Office action, Notice of Allowance, or other document to the attorney.

6. The docketing paralegal reviewed the mail log and confirmed that the Notice of Allowance for the present Application was not received.

7. An administrative assistant in the IP department of the firm independently reviewed the mail log and confirmed that the Notice of Allowance for the present Application was not received.

8. The mail log confirms that the Notice of Allowance for this Application was not received by me or the law firm in general.

9. MPEP 711.03(c)(I)(A) indicates that a copy of the practitioner's record(s) is required to show non-receipt of the Office action. If a master docket for the firm does not exist, the practitioner should provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

10. The individual docket record for the Application in question is provided herewith (Exhibit A) as documentary proof of non-receipt of the Notice of Allowance as provided by MPEP 711.03(c)(I)(A). The docket record is a print from the central IP docketing system.

11. The docket record shows where previously received Office actions were entered into the central IP docketing system. The docket record shows that the Notice of Abandonment for the present Application was received and entered into the central IP docketing system. The docket record shows the location where the docket entries for the Notice of Allowance, response to the Notice of Allowance, and payment of the Issue Fee and Publication Fee otherwise would have been entered had the Notice of Allowance been received. That is, the docket record shows all replies and other actions docketed for the Application, including a date three months from the mail date of the non-received Office action (Notice of Allowance). A master docket for the entire firm does not exist. Each attorney for the firm is presented with a three month docket report for the attorney's matters. I reviewed my docket report(s) covering the response date for the Notice of Allowance, and the response and response date for the Notice of Allowance is not present on any docket report. Those docket reports contain privileged and/or confidential information for other clients, which is/are not relevant to the present matter, and which is/are not presented herewith.

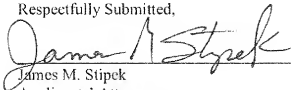
12. The docket record shows that the Notice of Allowance for the present Application was not received. The docket record shows where the non-received Notice of Allowance would have been entered had it been received.

13. I searched the application file and application contents and did not locate the non-received Notice of Allowance. I did not receive the non-received Notice of Allowance from the USPTO or anyone else.

14. I believe the evidence provided herein complies with the requirements of MPEP 711.03(c)(I)(A). As shown by the evidence described above, the Notice of Allowance was not received at the correspondence address of record, and a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Notice of Allowance was not received.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of the Application or any patent issued thereon.

Respectfully Submitted,

A handwritten signature in black ink, reading "James M. Stipek", is written over a horizontal line.

James M. Stipek
Applicants' Attorney
Polsinelli Shalton Flanigan Suelthaus PC
700 W. 47th Street, Suite 1000
Kansas City, MO 64112

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant(s) | Robert N. Cossins et al. | Examiner | Casca, Fred A |
| Serial No. | 10/004,346 | Group Art No. | 2617 |
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| For | Geographic Management System | | |

April 23, 2008

Mail Stop Petition
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF TYRA RICHARDSON IN SUPPORT OF
PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION
UNDER 37 CFR § 1.181(a) AND MPEP 711.03(c)(1)(A)

1. Tyra Richardson, state as follows.

1. I am a docketing paralegal in the intellectual property (IP) department of Polsinelli Shalton Flanigan Suelthaus PC.

2. All incoming mail from the U.S. Patent and Trademark Office (USPTO) is received, opened, and logged by me. USPTO mail is not opened by an attorney, agent, administrative assistant, or anyone other than me.

3. The mail log includes copying all USPTO mail received each day and scanning all USPTO mail received each week into a PDF document. Each PDF document for USPTO mail received for each week is saved in a central electronic law firm repository.

4. After opening and logging the USPTO mail, I or one other docketing paralegal promptly enter all Office actions, Notices of Allowance, and all other dates for all other documents into a central intellectual property (IP) docketing system. The law firm uses the Master Data Center IP Master docketing system.

5. After entering the dates for Office actions, Notices of Allowance, and all other documents into the central IP docketing system, I (or the one other docketing paralegal) provide the Office action, Notice of Allowance, or other document to the attorney.

6. I reviewed the mail log and confirmed that the Notice of Allowance for the present Application was not received.

7. An administrative assistant in the IP department of the firm independently reviewed the mail log and confirmed that the Notice of Allowance for the present Application was not received.

8. I did not receive the Notice of Allowance for this Application. The mail log confirms that the Notice of Allowance for this Application was not received by Applicants' attorney or the law firm in general.

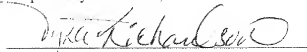
9. The associated due dates for the Notice of Allowance were not entered into the central IP docketing system since the Notice of Allowance was not received.

10. The individual docket record for the Application in question is provided herewith (Exhibit A) as documentary proof of non-receipt of the Notice of Allowance as provided by MPEP 711.03(e)(I)(A). The docket record is a print from the central IP docketing system.

11. The docket record shows where previously received Office actions were entered into the central IP docketing system. The docket record shows that the Notice of Abandonment for the present Application was received and entered into the central IP docketing system. The docket record shows the location where the docket entries for the Notice of Allowance, response to the Notice of Allowance, and payment of the Issue Fee and Publication Fee otherwise would have been entered had the Notice of Allowance been received. That is, the docket record shows all replies and other actions docketed for the Application, including a date three months from the mail date of the non-received Office action (Notice of Allowance). The docket record shows that the Notice of Allowance for the present application was not received.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of the Application or any patent issued thereon.

Respectfully Submitted,



Tyra Richardson
Docketing Paralegal
Polsinelli Shalton Flanigan Suelthaus PC
700 W. 47th Street, Suite 1000
Kansas City, MO 64112

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|--------------|------------------------------|------------------|----------------|
| Applicant(s) | Robert N. Cossins et al. | Examiner | Casca, Fred A. |
| Serial No. | 10/004,346 | Group Art No. | 2617 |
| Filed | November 1, 2001 | Confirmation No. | 3708 |
| For | Geographic Management System | | |

April 23, 2008

Mail Stop Petition
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF GAYLE CANFIELD IN SUPPORT OF
PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION
UNDER 37 CFR § 1.181(a) AND MPEP 711.03(c)(1)(A)

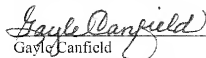
I, Gayle Canfield, state as follows.

1. I am an administrative assistant in the intellectual property (IP) department of Polsinelli Shalton Flanigan Suchthaus PC.
2. All incoming mail from the U.S. Patent and Trademark Office (USPTO) is received, opened, and logged by a docketing paralegal in the law firm's IP docketing department. USPTO mail is not opened by an attorney, agent, administrative assistant, or anyone other than the docketing paralegal.
3. The mail log includes copying all USPTO mail received each day and scanning all USPTO mail received each week into a PDF document. Each PDF document for USPTO mail received for each week is saved in a central electronic law firm repository.
4. I reviewed the mail log and confirmed that the Notice of Allowance for the present Application was not received.
5. I did not receive the Notice of Allowance for this Application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

Code and such willful false statements may jeopardize the validity of the Application or any patent issued thereon.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Gayle Canfield", is written over a horizontal line.

Gayle Canfield
Administrative Assistant
Polsinelli Shalton Flanigan Sueltluth PC
700 W. 47th Street, Suite 1000
Kansas City, MO 64112